

Facing the Truth

Learning from the Past How the Catholic Church in Victoria has Responded to Child Abuse

Fact Sheet 13 Reform to the *Limitation of Actions Act*

11 July 2013

Amending the Limitation of Actions Act is one of five reforms proposed by the Catholic Church in Victoria to the Victorian Parliamentary Inquiry into child sexual abuse.

The Church believes that children who were abused by priests or other Church people should have the longest limitation period available under Victorian law to take civil action.

The Church recommends that victims of such abuse should have a similar period to that currently available to children who were injured by their parents and guardians or others who were in a special position of trust towards them.

In Victoria, the limitation period for taking legal action depends largely on the status of the claimant, nature of the claim, the injuries complained of and any relationship between the parties. The time is regulated by the *Limitation of Actions Act 1958*. For personal injury claims, the Act imposes a three year limitation from when the injury was discoverable. This is extended to six years if the plaintiff was under a legal disability at the time of the injury.

The Courts may extend limitation periods where they are satisfied that it is just and reasonable to do so.

There is provision in the Act for an extended limitation period for minors who are injured by parents or guardians, or a close associate of a parent or guardian. In essence, the limitation period does not start until either the victim turns 25, or the victim becomes aware of the claim, whichever is later. In the latter case, there is a "long stop" deadline when the victim turns 37. The effect of this is to provide a significantly longer period in which victims injured as children can bring claims.

The Church proposes that the Act be amended to clarify the extended limitation periods so they apply uniformly to all government and non-government organisations where individuals have a special relationship with a child.

When addressing claims through the *Melbourne Response*, through *Towards Healing* and through other negotiations, the Church does not rely on limitation periods to avoid the payment of compensation.

The above limitation periods do not apply to the prosecution of criminal offences.

For further information, go to:
<http://www.cam.org.au/Portals/45/Documents/Submission-by-the-Catholic-Church-in-Victoria-Regarding-Reform-Proposals.pdf>

For more information and support

www.facingthetruth.org.au

The *Melbourne Response*

Ph: (03) 9225 7979

www.cam.org.au/Melbourne-Response

Towards Healing

Ph: 1800 816 030 or (02) 9669 6218

www.catholic.org.au